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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of GTE Corporation, Transferor,)
And Bell Atlantic Corporation, Transferee,)
For Consent to Transfer of Control)
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CC Docket No. 98-184/

COMMENTS OF WORLDCOM, INC. ON PROPOSED CHANGE TO VERIZON'S
MERGER PERFORMANCE PLAN

Pursuant to the Federal Communications Commission's ("Commission" or "FCC")
Public Notice released on August 1, 2001 (DA 01-1790), WorldCom, Inc. ("WorldCom")
hereby submits its comments regarding Verizon Communications, Inc.'s ("Verizon") request
that the Common Carrier Bureau approve the removal of Illinois, Ohio, and Pennsylvania
from the federal Carrier-to-Carrier Performance Plan ("Federal Plan") outlined in the Bell
Atlantic/GTE Merger Order ("Merger Order").¹

¹ *In re Application of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License*, Memorandum Opinion and Order, CC Docket No. 98-184 (rel. Jun. 16, 2000) ("Merger Order"), paras. 16-17.

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LISTA B C D E

Verizon's request for the removal of the Federal Plan in Pennsylvania is, at best, disingenuous. It has engaged in a game of playing one commission against the other by never fully disclosing its activities to both commissions. At the federal level, Verizon has asked to substitute the Federal Plan with the Pennsylvania Plan. At the same time, in Pennsylvania, it has proposed the implementation of a new plan that is extremely weak and ineffective. It therefore appears that if all goes according to Verizon's scheme, it will be left with a plan in Pennsylvania that has little or no remedial teeth.

Although there is currently a plan in place in Pennsylvania, the Pennsylvania Public Utility Commission ("PAPUC") has implicitly acknowledged that the current plan is ineffective. Further the DOJ has explicitly stated its concerns with the ineffectiveness of the current plan.² The PAPUC is currently in the process of establishing a new plan. That case is scheduled for an ALJ decision by September 30, 2001. In that case, Verizon is requesting that the PAPUC adopt an entirely new and untested plan that, if adopted, would be even weaker than the current plan. If this proposed plan is approved, it would become, quite possibly, the weakest plan in the country.

Moreover, if the PAPUC, in ordering the new plan, adopts a plan that Verizon disagrees with, Verizon has reserved its right to appeal and argue that the PAPUC has no authority to impose a remedy plan at all. If successful in that argument, there would be no remedy plan at all in Pennsylvania. Thus, contrary to Verizon's claims in its request to the Commission, it is not at all clear that there is a permanent comprehensive plan in

² See *In the Matter of Application by Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks, Inc., and Verizon Select Services Inc., for Authorization to Provide In-*

Pennsylvania.

The FCC Merger Order does, in fact, allow for the removal of the Federal Plan “on a state-by-state basis” when there is “a comprehensive performance plan adopted by a state commission applicable to Bell Atlantic/GTE.”³ The Merger Order also empowers the Common Carrier Bureau Chief “to determine whether a state-approved performance reporting and enforcement mechanism is ‘comprehensive’”⁴ It is therefore quite clear that enforcement is very much a part of a plan’s “comprehensiveness.” Moreover, the Order empowers the Common Carrier Bureau Chief to “retain part of the reporting and penalty obligations associated with these Merger Conditions where a state-approved mechanism is determined not to be comprehensive.”⁵

Implicit in the notion of a “comprehensive performance plan adopted by a state commission” is that the plan will not be subject to imminent, substantial overhaul – especially if that overhaul has the effect of dramatically weakening the plan. Additionally, given the fact that Verizon has declared it will challenge the PAPUC’s authority to impose payment requirements if the new plan is not to its liking, the viability of any enforcement mechanism is called into question. Because the Commission has recognized that enforcement is a key component to being comprehensive, it should carefully consider the propriety of removing the Federal Plan.

Finally, WorldCom encourages this Commission to determine whether the states of Illinois and Ohio are contemplating the revision of their state performance plans that

Region, InterLATA Services in Pennsylvania, Evaluation Of The United States Department Of Justice, CC Docket No. 01-138 (July 26, 2001) at 18 n.63.

³ *Merger Order*, Appendix D, para. 17.

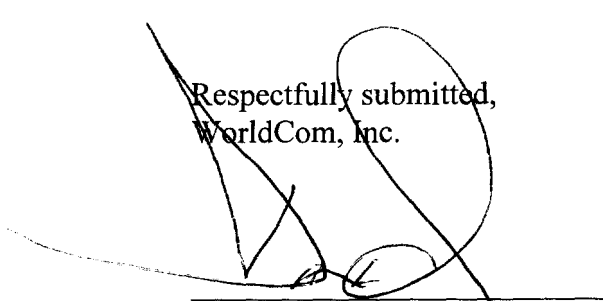
⁴ *Merger Order*, Appendix D at 33 n.60 (emphasis added).

⁵ *Id.*

would call into question the comprehensive nature of the plans before rendering a decision on Verizon's request.

CONCLUSION

For the foregoing reasons, WorldCom respectfully urges the Commission to deny Verizon's request in Pennsylvania. To the extent the Commission does grant Verizon's request to remove the Federal Plan in Pennsylvania, it should ensure that the enforcement mechanisms included in the Federal Plan are maintained.



Respectfully submitted,
WorldCom, Inc.

Dated: August 31, 2001

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Certificate of Service

I, Lonzena Rogers, do hereby certify, that on this thirty-first day of August, 2001, I have caused to be served by United States Postal Service first class mail and hand delivery, a true and correct copy of WorldCom's Comments in the matter of CC Docket No. 98-184, on the following:

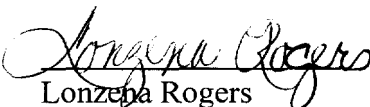
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